

KCC Chapter 3.36 – as of 14 July 2016

3.36 CHARITABLE CONTRIBUTIONS FROM COUNTY EMPLOYEES

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3.36.010 Intent and purpose.

A. This chapter is intended to establish uniform guidance, consistent with state law governing salary and wage deductions, for the efficient administration of county employee charitable contributions to qualified nonprofit organizations, donated via the annual drive and natural disaster relief solicitations. This chapter shall be liberally construed to accomplish this intention.

B. The purpose of this chapter is to provide a convenient and effective channel through which county employees may contribute to qualified nonprofit organizations, while minimizing disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives cause; and to enhance government and community efforts to meet charitable needs.

C. The program shall provide guidance, quality control and disbursement of employee donations to qualified nonprofit organizations and federations as provided by this chapter, in accordance with rules for the program. (Ord. 17332 § 1, 2012: Ord. 16035 § 1, 2008: Ord. 8575 § 1, 1988).

3.36.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Annual drive" means the annual solicitation of contributions from county employees by representatives of qualified nonprofit organizations and federations through oral presentations, printed materials, audio or video media or other similar.

B. "Committee" means the county employee giving program committee established under K.C.C. 3.36.030.

C. "Employee giving program" or "the program" means the King County sanctioned, employee-based program that provides the process and infrastructure for administration of employee-directed giving to qualified nonprofit organizations and federations through the annual drive and natural disaster relief solicitations and is administered by the committee in accordance with this chapter and any rules adopted for the program.

D. "Federation" means a nonprofit organization that solicits and distributes contributions on behalf of its member nonprofit organizations.

E. "Qualified nonprofit organization" means a nonprofit organization or federation that applies to participate in the annual drive and meets the eligibility criteria as provided in

this chapter and any rules adopted for the program. (Ord. 17332 § 2, 2012: Ord. 16035 § 2, 2008: Ord. 9091, 1989: Ord. 8575 § 2, 1988).

3.36.030 Employee giving program committee.

A. A county employee giving program committee is established consisting of fifteen members nominated by the committee, appointed by the executive and confirmed by the council.

1. The committee shall strive in its nominations to include members representing the diversity of the county work force, including union representation.

2. The term of committee members shall be two years.

3. A committee member who serves as a federation or nonprofit organization board member or director, or in a decision-making capacity for a federation or nonprofit organization, shall not vote on that federation or nonprofit organization's eligibility if that federation or nonprofit organization applies to participate in the annual drive.

4. The committee shall annually elect a chair and other officers as established in the committee's bylaws.

B. In order to operate the program, the committee may:

1. Adopt rules and bylaws consistent with this chapter that are necessary to the conduct of the program, based upon the following principles:

a. seek operational efficiencies;

b. enhance program effectiveness;

c. use innovative best practices;

d. promote equitable access for nonprofit participation; and

e. maintain standards to ensure nonprofit fiscal responsibility and stability;

2. Establish and apply eligibility rules by which a nonprofit organization may participate in the annual drive;

3. Coordinate and facilitate the annual drive and natural disaster relief solicitations consistent with this chapter and any rules adopted for the program. If the committee determines that a federation or nonprofit organization is not eligible to participate in the annual drive, the federation or nonprofit organization may apply to the committee for reconsideration of the eligibility decision;

4. Guide fiscal stewardship of the program;

5. Serve voluntarily without additional wages, including no additional compensation for working beyond normal working hours, and shall be reimbursed by their employing departments for travel, lodging and meals in accordance with county laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employees covered by the overtime requirements of the Fair Labor Standards Act or state law who are serving as committee members should ensure that their working hours, including hours worked for the committee, do not exceed approved hours;

6. Assist the executive or the executive's designee in the selection of a program administrator; and

7. Solicit and accept from the general public and business communities and all other persons, gifts, bequests and donations to the county in support of the program. (Ord. 17527 § 127, 2013: Ord. 17332 § 3, 2012: Ord. 16035 § 3, 2008: Ord. 11997, 1995: Ord. 10923 § 1, 1993: Ord. 9465 § 1, 1990: Ord. 8575 § 3, 1988).

3.36.035 Program administrator. The program administrator shall be responsible for the operational details of the program, including the annual drive and natural disaster response solicitations, under the general oversight of the committee. The cost of the program administrator shall be included as part of the administrative cost of the program. (Ord. 17332 § 4, 2012).

3.36.045 Campaign participants - requirements - notice in campaign materials.

A. A federation or nonprofit organization may participate in the annual drive if the federation or nonprofit organization submits a timely application for participation to the committee and meets all eligibility standards as established by this chapter and any rules adopted for the program. An official of the federation or nonprofit organization must certify on the annual drive application that the federation, each nonprofit organization represented by the federation, or the nonprofit organization:

1. Is formally recognized by the United States Internal Revenue Service as complying with Section 501(c)(3) of the Internal Revenue Code of 1986 or is a governmental unit of the state of Washington, and for which all contributions to the nonprofit organization are eligible to be deductible for federal income tax purposes under Section 170 of the Internal Revenue Code of 1986;

2. Is registered with the Washington state Secretary of State as provided by RCW 19.09.065 and is in compliance with Washington state laws governing charities to the best of the knowledge of the individual certifying the application;

3.a. Does not discriminate against any person on the basis of race, color, religious affiliation, sex, age, national origin, marital status, sexual orientation, disability, or gender identity or expression or qualifies for an exemption under Title VII of the Civil Rights Act of 1964 as amended. An affirmation of a participating organization's adherence to this subsection A.3.a, or a statement of exemption from this subsection A.3.a, must be included in the organization's application. A federation must affirm in the federation's application the adherence to this subsection A.3.a, or a legal exception from this subsection A.3.a, for each nonprofit organization the federation represents.

b. Nothing in this subsection A.3. denies eligibility to a federation or nonprofit organization that is otherwise eligible to participate in the annual drive merely because the federation or nonprofit organization is organized by, on behalf of or to serve persons of a particular race, color, religious affiliation, sex, national origin, age, marital status, sexual orientation, disability, or gender identity or expression.

B. Participating organizations' responses provided under subsection A. of this section may be noted in campaign materials. (Ord. 17332 § 6, 2012: Ord. 17047 §1, 2011 (expired January 1, 2012): Ord. 16035 § 5, 2008).

3.36.055 Solicitations of donations - limits on use of county property or equipment - promotional costs - voluntary employee participation.

A. Employees may be solicited for program contributions in accordance with this chapter.

B. Solicitations and events related to the program must be conducted on county property during normal county business hours.

C. Employees may use county property for the purposes of solicitations for the promotion of the program.

D. As provided in RCW 41.06.250(1) and 42.17.130, county property, county equipment and county employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

E. A county employee shall not be coerced to participate in any presentation or to make any donation to a qualified nonprofit organization. A county employee shall not be penalized for failing to participate in the program. Departments and offices may authorize time for department employees to attend presentations about the program. (Ord. 17332 § 7, 2012; Ord. 16035 § 6, 2008).

3.36.065 Deductions from salary warrants for donations - one-time donations.

A. Donations through the annual drive may include payroll deductions, checks, money orders, cash and time donations in accordance with K.C.C. 3.12.222.

B. The county shall make deductions from county employees' salary warrants and pay the moneys collected to the qualified nonprofit organizations and federations designated by county employees when the deductions and payments are authorized by county employees in accordance with this chapter. (Ord. 17332 § 8, 2012; Ord. 16035 § 7, 2008)

3.36.075 Disbursements of contributions. After program costs have been paid, all payroll deductions must be fully disbursed by the county to the designated qualified nonprofit organizations by the end of the first quarter following the deduction year. Federations shall make distributions to their member charitable organizations as designated by contributors.

B. Any undesignated contributions shall be distributed proportionately to the participating organizations. (Ord. 17332 § 9, 2012; Ord. 16035 § 8, 2008).